

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SanDisk Corporation,

Plaintiff,

v.

Phison Electronics Corp., et al.

Defendants.

Civil Action Nos.: 07-C-0605-C and
07-C-0607-C

**VOLUNTARY DISMISSAL OF BUFFALO WITHOUT PREJUDICE AND WITHOUT
COSTS AND [PROPOSED] ORDER PURSUANT TO RULE 41(a)(2)**

Whereas on March 25, 2008 the United States International Trade Commission (“ITC”) entered a Consent Order against Buffalo, Inc., Melco Holdings, Inc., Buffalo Technology (USA), Inc., (collectively, “Buffalo”). Among other things, the Consent Order required Buffalo to “immediately cease and desist from selling for importation, importing into the United States and/or selling in the United States after importation USB drives, CompactFlash® and MultiMedia cards or products containing the same, except for those USB drives, CompactFlash® and MultiMedia cards or products containing the same which are purchased and/or licensed from SanDisk or its licensees.” Buffalo acknowledges that the Consent Order remains in effect. Buffalo has informed SanDisk that it has substantially complied with the Consent Order and that it will continue to comply with the Consent Order so long as it remains in effect.

Whereas Buffalo has answered the Complaints, but has not asserted any Counterclaims, the parties to this action through their designated counsel hereby stipulate to the following, and request, pursuant to Federal Rule of Civil Procedure 41(a)(2), that the Court enter an Order thereon:

1. This Court has jurisdiction over the subject matter and over the parties, and venue is proper in this District.

2. In light of the Consent Order against Buffalo, and Buffalo’s compliance with that order, SanDisk dismisses its asserted claims for patent infringement without prejudice.

3. Buffalo dismisses its defenses to SanDisk's patent infringement claims without prejudice.
4. The parties shall bear their own costs and attorneys' fees.
5. THE ABOVE ORDER IS HEREBY STIPULATED TO AND AGREED BY THE PARTIES.

Entered this 26th day of April, 2010

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
District Judge